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BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			BRADFORD, CANDACE L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Objections

Claim 5 is objected to because of the following informalities: A "fail" arrest system is claimed. The examiner believes this is a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

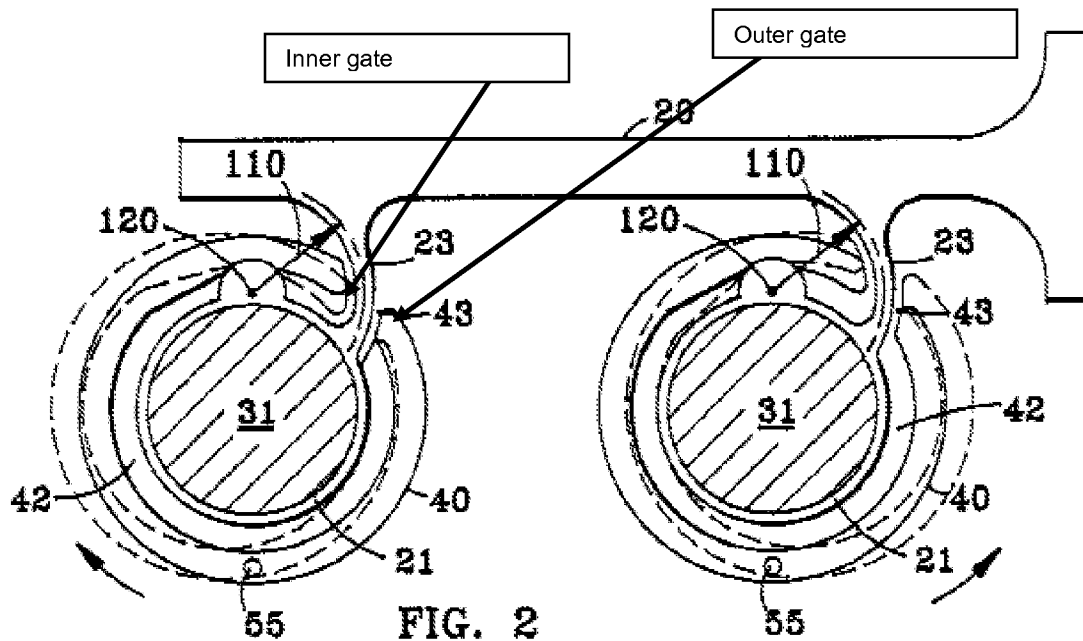
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a traveller for a fall arrest system comprising a body, as best seen in Figure 2, having a passage 42, therethrough, a slot, 43 narrower than the passage and that links the passage to the exterior of the body, the body including a load member 55, suitable to attach the traveller to fall safety equipment, the body including an inner gate extending inwardly relative to the passage and the body also including an outer gate extending outwardly relative to the passage, the inner gate and outer gate having respective opposed convex surfaces defining the slot between them, and the traveller being arranged such that when the traveller is mounted on a support the inner gate and outer gate lie on a common radius of respective concentric circles about the

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support.



Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a support for a safety line in a fall arrest system comprising a support section 21, suitable for retaining a safety line 31, and attachment means for attaching the support to a structure, as best seen in Figure 8, an arm that connects the support section and the attachment means, the arm having a tangential section narrower than the safety line and extending substantially tangentially relative to a safety line retained in the support section, as best seen in Figures 2.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system comprising a safety line at least one

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support and a traveler, as best seen in Figures 2, in which the support comprises a support section retaining the safety line 31, and an attachment means for attaching the support to a structure, as best seen in Figure 8, the support having an arm that connects the support section and attachment means, the arm 23, having a straight tangential section narrower than the safety line and extending substantially tangentially relative to the safety line, the traveller including a body having a passage 42, therethrough, and also having a slot 43, that is narrower than the safety line and that links the passage to the exterior of the body, a load member 55, suitable to attach the traveller to fall safety equipment, body including an inner gate that extends inwardly within respect to the passage and the body also including an outer gate extending outwardly with respect to the passage, the inner gate and the outer gate having respective convex opposed surfaces defining the slot between them, and the inner gate and outer gate being arranged such that when the traveller is mounted on the support with the support within the passage of the traveler body the straight tangential section of the arm can pass through the slot, as best seen in Figure 3b.

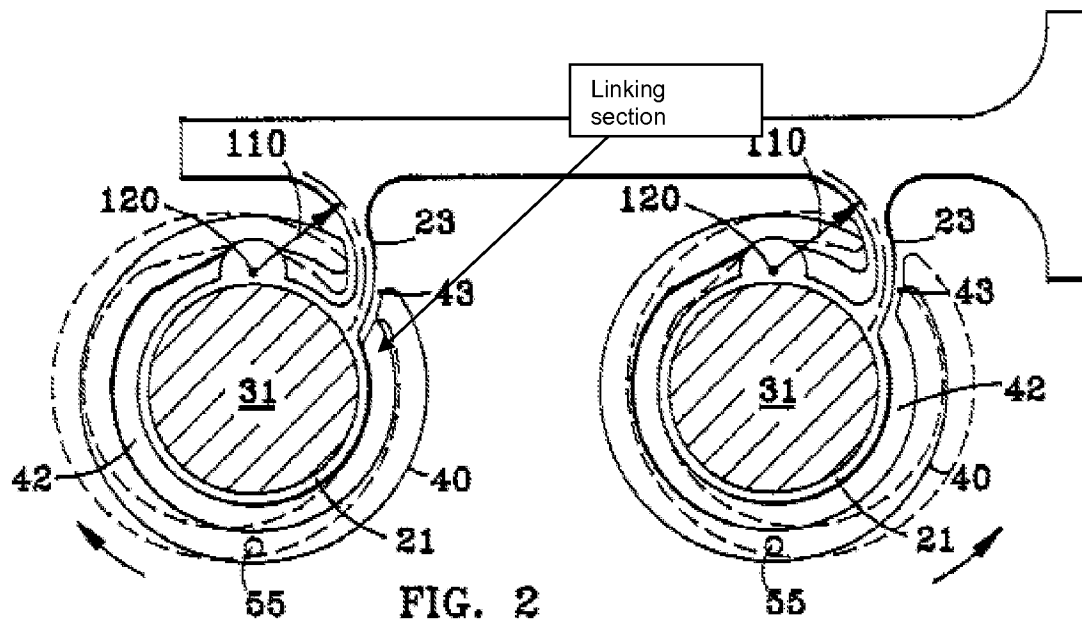
Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system as claimed in claim 3, in which the traveller is arranged so that when the traveller is mounted on the support the inner gate and outer gate lie on a common radius of respective concentric circles about the safety line, as best seen in Figures 3a-3c.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system according to any one of claim 2, in which the support section 21, is a cylindrical tube.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system according to any one of claim 2, in which the tangential section is spaced from the support section 21, as best seen in Figure 3b.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system according to any one of claim 2, in which the tangential section is a flat plate, best seen in Figure 3b.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system according to any one of claim 2, in which the tangential section and the support section are connected by a linking section



, the linking section extending in a direction having a radial component relative to said safety line.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a support according to claim 9, in which the attachment means, the straight tangential section and support section are integrally formed from a single plate, best seen in Figure 3b.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system comprising a safety line, at least one support and a traveler 40, in which the support comprises a support section, retaining the safety line and an attachment means 20, for attaching the support to a structure, an arm 23, that connects the support section and attachment means and that has a straight

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section narrower than the safety line and extending substantially tangentially relative to the safety line, and the traveler including a body having a passage 42, therethrough, the body having a slot 43, narrower than the safety line and linking the passage to the exterior of the body and the body also having a load member 55, suitable to attach the traveller to fall safety equipment, the slot being formed between an inner gate extending inwardly relative to the passage and an outer gate extending outwardly relative to the passage, the inner gate and the outer gate having respective opposed convex surfaces defining the slot between them, the inner gate and outer gate each extending for a distance along a respective concentric circles of different radii, and being arranged such that when the traveler is mounted on the support within the passage the arm can pass through the slot, as best seen in Figure 2.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a traveler for a fall arrest system comprising, a body having a passage 42, therethrough, the body having a slot 43, narrower than the passage linking the passage to the exterior of the body, and the body having a load member 55, suitable to attach the traveler to the fall safety equipment, the body including an inner gate extending inwardly relative to the passage and an outer gate extending outwardly relative to the passage, the inner and outer gate having opposed convex surfaces defining the slot, and the traveller being arranged such that the inner gate and the outer gate each extend to lie on respective concentric circles of different radii, as best seen in Figure 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599). Noles discloses an a traveler according to claim 1, in which the traveller has a wheel 35, but fails to disclose a traveler with multiple wheels arranged in tandem so that the traveller can be mounted on the wheels on a safety line passing through the passage. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have multiple wheels, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, and multiple wheels would obviously provide more stability and control

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599). Noles further discloses a traveler according to claim 11, in which the load member 55, is located below and between said wheels 35 when the traveller is mounted on the wheels on a safety line 32, as best seen in Figure 6. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have multiple wheels, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, and multiple wheels would obviously provide more

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stability and control. If there were two wheels , then inevitably the load member would be located between the wheels when the traveler is mounted on the wheels on the safety line.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599). Noles further discloses a traveler according to claim 12, in which the load member 55, is a closed aperture passing through the body.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599). Noles further discloses a traveler according to claim 13, in which the wheels 35 are arranged for rotation about respective parallel axes, and the aperture has a flat lower surface extending parallel to a plane in which said axes lie, as best seen in Figure 3b. If there were two wheels , then inevitably they would be located to rotate about parallel axes, or else the invention would not work.

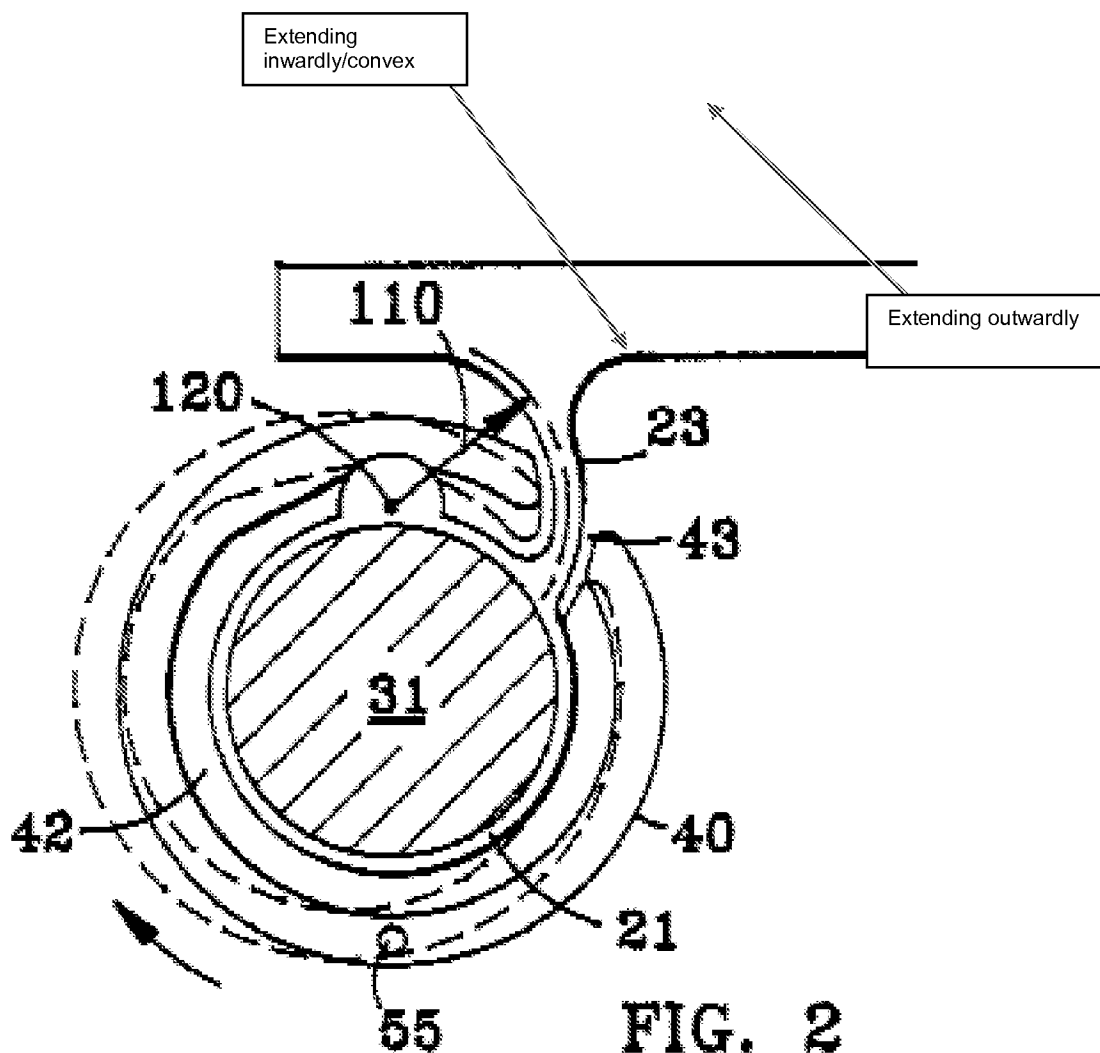
Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599). Noles further discloses a traveler according to claim 14, in which said axes are symmetrically arranged about a longitudinal centre line of the traveller and said lower surface lies on said centre line, as best seen in Figure 3b.

Response to Arguments

Applicant's arguments filed 2/2/09 have been fully considered but they are not persuasive. The applicant's attention is drawn to page 7 of the remarks. The applicant states the Noles reference does not extend inwardly with respect to its passage with the recited inner gate of the traveler. The examiner would like to note Figure 2 (shown

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below), shows track traveling element 40, with an inner gate extending inwardly and an outer gate extending outwardly, as claimed. The applicant's attention is drawn to page 8 of the remarks. The applicant states the Noles reference does not show inner and outer gate with opposed convex surface. This clearly shown in Figure 2, in which Noles shows the range of angular relationships, the end portions/inner and outer gates 40, clearly extending inwardly and outwardly respectively.



Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CANDACE L. BRADFORD** whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Jennifer H Gay/
Supervisory Patent Examiner, Art Unit 3676

Candace L. Bradford
Patent Examiner
Art Unit 3634
May 12, 2009